

RESOLUTION NO. A-\_\_\_\_\_

USE PERMIT NO. 146

1           WHEREAS, Carl Sjulín and West Gate Bank have submitted an applica-  
2           tion in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as  
3           Use Permit No. 146 for authority to construct 60,000 sq. ft. of office and financial space,  
4           together with the associated request for a waiver of the 45' height limit of the O-3 Office  
5           park District and waiver of the required street trees along Highway 2, on property  
6           generally located at Old Cheney Road and Highway 2, and legally described to wit:

7                   A portion of vacated Wagon Lane, Outlot "C" Frontier Acres,  
8                   the remaining portion of Outlot "B" Frontier Acres, the  
9                   remaining portion of Lot 46 I.T., and Lots 130 I.T. and 157  
10                  I.T., all located in the Northwest Quarter of Section 16,  
11                  Township 9 North, Range 7 East of the 6th P.M., City of  
12                  Lincoln, Lancaster County, Nebraska, and more particularly  
13                  described as follows:

14                 Commencing at the northeast corner of the remaining  
15                 portion of Outlot "B" Frontier Acres, said point being 50.00  
16                 feet south of the north line of said Northwest Quarter of  
17                 Section 16, said point being the true point of beginning;  
18                 thence on an assumed bearing of south 00 degrees 04  
19                 minutes 08 seconds west along the east line of the  
20                 remaining portion of said Outlot "B", the east line of a portion  
21                 of vacated Wagon Lane, and the east line of Outlot "C"  
22                 Frontier Acres, a distance of 673.89 feet to the southeast  
23                 corner of said Outlot "C"; thence south 89 degrees 55  
24                 minutes 26 seconds west along the south line of said Outlot  
25                 "C", a distance of 60.20 feet to the southwest corner of said  
26                 Outlot "C", said point being the southeast corner of the  
27                 remaining portion of Lot 46 I.T; thence north 59 degrees 00  
28                 minutes 59 seconds west along the south line of said  
29                 remaining portion of Lot 46 I.T., said line being the north line  
30                 of Nebraska Highway Number 2 right-of-way, a distance of  
31                 128.34 feet to the southwest corner of said remaining  
32                 portion of Lot 46 I.T., said point being the southeast corner

1 of Lot 130 I.T.; thence north 55 degrees 52 minutes 26  
2 seconds west along a south line of said Lot 130 I.T., said  
3 line being the north line of said right-of-way, a distance of  
4 192.25 feet to a south corner of said Lot 130 I.T.; thence  
5 north 48 degrees 51 minutes 49 seconds west along a south  
6 line of said Lot 130 I.T., and the south line of Lot 157 I.T.,  
7 said line being the north line of said right-of-way, a distance  
8 of 401.95 feet to the west corner of said Lot 157 I.T.; thence  
9 north 38 degrees 25 minutes 22 seconds east along a  
10 northwest line of said Lot 157 I.T., said line being a  
11 southeast line of Old Cheney Road right-of-way, a distance  
12 of 108.15 feet to a northwest corner of said Lot 157 I.T.;  
13 thence along a curve in a clockwise direction, having a  
14 radius of 522.96 feet, arc length of 216.38 feet, delta angle  
15 of 23 degrees 42 minutes 24 seconds, a chord bearing of  
16 north 57 degrees 11 minutes 58 seconds east along a  
17 northwest line of said Lot 157 I.T., and a northwest line of  
18 Lot 130 I.T., said line being a southeast line of said right-of-  
19 way, and a chord length of 214.84 feet to a north corner of  
20 said Lot 130 I.T.; thence north 75 degrees 43 minutes 38  
21 seconds east along a north line of said Lot 130 I.T., said line  
22 being a south line of said right-of-way, a distance of 41.11  
23 feet to a north corner of said Lot 130 I.T.; thence north 75  
24 degrees 40 minutes 13 seconds east along a north line of  
25 said Lot 130 I.T., said line being a south line of said right-of-  
26 way, a distance of 35.42 feet to a north corner of said Lot  
27 130 I.T.; thence north 70 degrees 30 minutes 00 seconds  
28 east along a north line of said Lot 130 I.T., said line being a  
29 south line of said right-of-way, a distance of 16.05 feet to a  
30 north corner of said Lot 130 I.T.; thence north 85 degrees 27  
31 minutes 00 seconds east along a north line of said Lot 130  
32 I.T., said line being a south line of said right-of-way, a  
33 distance of 45.03 feet to a north corner of said Lot 130 I.T.;  
34 thence north 89 degrees 31 minutes 04 seconds east along  
35 a north line of said Lot 130 I.T., said line being a south line  
36 of said right-of-way, a distance of 80.36 feet to the northeast  
37 corner of said Lot 130 I.T., said point being the northwest  
38 corner of the remaining portion of Lot 46 I.T.; thence north  
39 83 degrees 13 minutes 39 seconds east along a north line of  
40 said remaining portion of Lot 46 I.T., said line being a south  
41 line of said right-of-way, a distance of 50.85 feet to a north  
42 corner of said remaining portion of Lot 46 I.T.; thence north  
43 90 degrees 00 minutes 00 seconds east along the north line  
44 of said remaining portion of Lot 46 I.T., and the north line of  
45 the remaining portion of Outlot "B" Frontier Acres, said line

1 being the south line of said right-of-way, said line also being  
2 50.00 feet south of and parallel with the north line of said  
3 Northwest Quarter, a distance of 120.07 feet to the point of  
4 beginning, said tract contains a calculated area of  
5 279,651.45 square feet or 6.42 acres, more or less;

6 WHEREAS, the real property adjacent to the area included within the site  
7 plan for this office and financial development will not be adversely affected; and

8 WHEREAS, said site plan together with the terms and conditions  
9 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
10 Municipal Code to promote the public health, safety, and general welfare.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
12 Lincoln, Nebraska:

13 That the application of Carl Sjulín and West Gate Bank, hereinafter  
14 referred to as "Permittee", to construct 60,000 sq. ft. of office and financial space on the  
15 property legally described above be and the same is hereby granted under the  
16 provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that  
17 construction and operation of said office and financial space be in strict compliance with  
18 said application, the site plan, and the following additional express terms, conditions,  
19 and requirements:

20 1. This permit approves a 60,000 square foot building to  
21 accommodate a 4,500 square foot drive-through bank and 55,500 square feet of office  
22 space, with waiver to the maximum height of the district as shown on the site plan and  
23 waiver of the required location and spacing of street trees along Highway 2.

24 2. Before receiving building permits:

25 a. The Permittee must submit a revised and reproducible final

1 plan including five copies.

2 b. The construction plans must conform to the approved plans.

3 3. Before occupying the building all development and construction  
4 must be completed in conformance with the approved plans.

5 4. The site plan approved by this permit shall be the basis for all  
6 interpretations of setbacks, yards, locations of buildings, location of parking and  
7 circulation elements, and similar matters.

8 5. The terms, conditions, and requirements of this resolution shall be  
9 binding and obligatory upon the Permittee, their successors and assigns. The building  
10 official shall report violations to the City Council which may revoke this use permit or  
11 take such other action as may be necessary to gain compliance.

12 6. The Permittee shall sign and return the City's letter of acceptance  
13 to the City Clerk within 30 days following approval of this use permit, provided, however,  
14 said 30-day period may be extended up to six months by administrative amendment.  
15 The City Clerk shall file a copy of the resolution approving this use permit and the letter  
16 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by  
17 the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

<p>Approved this ___ day of _____, 2002:</p> <p>_____</p> <p>Mayor</p>
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